

United States Courts
Southern District of Texas
FILED

DEC - 3 2012

COURT OF CRIMINAL APPEALS OF TEXAS
APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07

INSTRUCTIONS

RECEIVED
COURT OF CRIMINAL APPEALS
NOV 26 2012

Return With District Clerk

David J. Bradley, Clerk of Court

1. You must use the complete form, which begins on the following page, to file an application for a writ of habeas corpus seeking relief from a final felony conviction under Article 11.07 of the Code of Criminal Procedure. (This form is not for death-penalty cases, probated sentences which have not been revoked, or misdemeanors.)
2. The clerk of the trial court in which you were convicted will make this form available to you, on request, without charge.
3. You must file the entire writ application form, including those sections that do not apply to you. If any pages are missing from the form, or if the form has been downloaded and the questions have been renumbered or omitted, your entire application will be returned as non-compliant. If your application is returned as non-compliant, the clerk of the trial court will write a note of the defect on your application and return the form to you without filing it.
4. You must make a separate application on a separate form for each judgment of conviction you seek relief from. Even if the judgments were entered in the same court on the same day, you must make a separate application for each one.
5. Answer every item that applies to you on the form. You may use additional pages only if you need them for item 17, the facts supporting your ground for relief. Do not attach any additional pages for any other item 17.
6. You must include all grounds for relief on the application form as provided by the instructions under item 17. You must also briefly summarize the facts of your claim on the application form as provided by the instructions under item 17.
7. Do not cite cases or other law in this application form. Do not make legal arguments in this form. Legal citations and arguments may be made in a separate memorandum.
8. You must verify the application by signing either the Oath Before Notary Public or the Inmate's Declaration, which are at the end of this form on pages 11 and 12. You may be prosecuted and convicted for aggravated perjury if you make any false statement of a material fact in this application.
9. When the application is fully completed, mail the original to the clerk of the convicting district court. Keep a copy of the application for your records.
10. You must notify the clerk of the convicting district court of any change in address after you have filed your application.

Case No. _____
(The Clerk of the convicting court will fill this line in.)

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

**APPLICATION FOR A WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM FINAL FELONY CONVICTION
UNDER CODE OF CRIMINAL PROCEDURE, ARTICLE 11.07**

NAME: Walter L. Fusby

DATE OF BIRTH: May 5-21-1984

PLACE OF CONFINEMENT: Coffield unit

TDCJ-CID NUMBER: 1606893 SID NUMBER: _____

(1) This application concerns (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> a conviction | <input type="checkbox"/> parole |
| <input checked="" type="checkbox"/> a sentence | <input checked="" type="checkbox"/> mandatory supervision |
| <input type="checkbox"/> time credit | <input checked="" type="checkbox"/> out-of-time appeal or petition for discretionary review |

(2) What district court entered the judgment of the conviction you want relief from?
(Include the court number and county.)

Harris County district court of Houston

(3) What was the case number in the trial court?

(4) What was the name of the trial judge?

- (5) Were you represented by counsel? If yes, provide the attorney's name:

- (6) What was the date that the judgment was entered?

November, 26 2009

- (7) For what offense were you convicted and what was the sentence?

Assault with a weapon 5 year of an unfair trial

- (8) If you were sentenced on more than one count of an indictment in the same court at the same time, what counts were you convicted of and what was the sentence in each count?

Assault X2 3-15-2003 to 2007

Assault with a weapon 11-20-2008 to 2013

- (9) What was the plea you entered? (Check one.)

☐ guilty-open plea

☒ guilty-plea bargain

☐ not guilty

☐ nolo contendere/no contest

If you entered different pleas to counts in a multi-count indictment, please explain:

- (10) What kind of trial did you have?

☒ no jury

☐ jury for guilt and punishment

☐ jury for guilt, judge for punishment

- (11) Did you testify at trial? If yes, at what phase of the trial did you testify?

no unfair speedy trial

- (12) Did you appeal from the judgment of conviction?

☐ yes

☒ no

If you did appeal, answer the following questions:

(A) What court of appeals did you appeal to? _____

(B) What was the case number? _____

(C) Were you represented by counsel on appeal? If yes, provide the attorney's name:

(D) What was the decision and the date of the decision? _____

(13) Did you file a petition for discretionary review in the Court of Criminal Appeals?

☐ yes ☒ no

If you did file a petition for discretionary review, answer the following questions:

(A) What was the case number? _____

(B) What was the decision and the date of the decision? _____

(14) Have you previously filed an application for a writ of habeas corpus under Article 11.07 of the Texas Code of Criminal Procedure challenging *this conviction*?

☐ yes ☒ no

If you answered yes, answer the following questions:

(A) What was the Court of Criminal Appeals' writ number? _____

(B) What was the decision and the date of the decision? _____

(C) Please identify the reason that the current claims were not presented and could not have been presented on your previous application.

- (15) Do you currently have any petition or appeal pending in any other state or federal court?

☒ yes

☐ no

If you answered yes, please provide the name of the court and the case number:

Travis County Supreme Court of Austin

- (16) If you are presenting a claim for time credit, have you exhausted your administrative remedies by presenting your claim to the time credit resolution system of the Texas Department of Criminal Justice? (This requirement applies to any final felony conviction, including state jail felonies)

☒ yes

☐ no

If you answered yes, answer the following questions:

(A) What date did you present the claim? 8-1-12

(B) Did you receive a decision and, if yes, what was the date of the decision?

No

If you answered no, please explain why you have not submitted your claim:

of T.D.C.J. requirement to receive
a decision of an statement.

- (17) Beginning on page 6, state *concisely* every legal ground for your claim that you are being unlawfully restrained, and then briefly summarize the facts supporting each ground. You must present each ground on the form application and a brief summary of the facts. *If your grounds and brief summary of the facts have not been presented on the form application, the Court will not consider your grounds.*

If you have more than four grounds, use page 10 of the form, which you may copy as many times as needed to give you a separate page for each ground, with each ground numbered in sequence.

You may attach a memorandum of law to the form application if you want to present legal authorities, but the Court will *not* consider grounds for relief in a memorandum of law that were not stated on the form application. If you are challenging the validity of your conviction, please include a summary of the facts pertaining to your offense and trial in your memorandum.

GROUND ONE:

Goree unit in Huntsville, State law library
 of Supreme Court Building; jurisdictional

FACTS SUPPORTING GROUND ONE:

Texas Department of
 Criminal Justice Act of Citizenship, and Custom
 Enforcement of naturalization Act, of
 4-24-1996 and signed by the president on 9-30-1996
 The - Anti-Terrorism and Effective Death Penalty
 and the Illegal Immigration Reform, and
 Responsibility Act

Place of exile are very limited; Therefore, it waive
 all non-jurisdictional defects of district Court.
 For example an indictment, The district Court
 would be able to Challenge an indictment
 if it did not charge the offenses under
 State laws. The fundamentals attempted to design
 laws, of the Criminal justice system practice for
 the citizen of being unjustly accuse of, are
 imprison for a crime of. I been assault and
 Harassed in T.D.C.J

GROUND TWO:

Voluntary plea of guilty only the jurisdiction, and power of the Court; Trial attorney

FACTS SUPPORTING GROUND TWO:

Of the lawyer stated taking the case to trial. I'm looking at 5 to 99.1 degree felony an Second assault. To find out why the victim ant press charges the lawyer stated the state of Texas pick up the charges an evidence against me. of agreeing to an speedy trial, an trial by no jury, an a plea of guilty the 5 year agreeded by the defense an district attorney of truncing \$ in the agreement, the judge found me guilty of no procedure of trial

of my Court appointed lawyer statement the parole an Appeal set my Quest

GROUND THREE:

Sources of law are document
where the law come from; on most issues

FACTS SUPPORTING GROUND THREE:

Trail by no jury can be
waive allow it to be determine by an jury
where it is determine that the judge may
be more sympathetic; Therefore, the judge
decision still stand in suggest of the jury
Speedy trial Act has been held unconstitutional
of 1987; Therefore no general ideaels to an 5
year agreement of the district attorney an
defense attorney for me to sign of agreement
I been convicted of an unfair trial.

GROUND FOUR:**FACTS SUPPORTING GROUND FOUR:**

I admitted of my action had been wrong. I agreed to play guilty, of my Innocent of an all call of an opportunity to my defence. The action of a speedy trial got the best of my knowledge I complaint of an unfair trial. That november 2009 speedy trial, of no jury to an 5 year agreement. Had been hel of an judge, Clerk an defense attorney an me the defendant had been prained for trial guilt decision. To the knowledge of my Court appointed lawyer action of sign paper of my agreement for an lawyer. The judge she found me guilty an agreed to the 5 year convicted me to T.D.C.J Prison; The Court appointed lawyer failed to set trial for me of the right to question an Cross-examine witness an to bring forth issue of my Innocent

GROUND: United state law of right been read
to proceed to court of an statement

FACTS SUPPORTING GROUND: I think he had sexual
assault me.

**WHEREFORE, APPLICANT PRAYS THAT THE COURT GRANT APPLICANT
RELIEF TO WHICH HE MAY BE ENTITLED IN THIS PROCEEDING.**

VERIFICATION

This application must be verified or it will be dismissed for non-compliance. For verification purposes, an applicant is a person filing the application on his or her own behalf. A petitioner is a person filing the application on behalf of an applicant, for example, an applicant's attorney. An inmate is a person who is in custody.

The inmate applicant must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public. If the inmate is represented by a licensed attorney, the attorney may sign the "Oath Before a Notary Public" as petitioner and then complete "Petitioner's Information." A non-inmate applicant must sign the "Oath Before a Notary Public" before a notary public unless he is represented by a licensed attorney, in which case the attorney may sign the verification as petitioner.

A non-inmate non-attorney petitioner must sign the "Oath Before a Notary Public" before a notary public and must also complete "Petitioner's Information." An inmate petitioner must sign either the "Oath Before a Notary Public" before a notary public or the "Inmate's Declaration" without a notary public and must also complete the appropriate "Petitioner's Information."

OATH BEFORE A NOTARY PUBLIC

STATE OF TEXAS

COUNTY OF _____

L Wyatt Bessy, being duly sworn, under oath says: "I am the applicant / petitioner (circle one) in this action and know the contents of the above application for a writ of habeas corpus and, according to my belief, the facts stated in the application are true."

L Wyatt Bessy
Signature of Applicant / Petitioner (circle one)

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10 DAY OF Sept, 2012

Signature of Notary Public

PETITIONER'S INFORMATION

Petitioner's printed name: _____

State bar number, if applicable: _____

Address: _____

Telephone: _____

Fax: _____

INMATE'S DECLARATION

I, Wyatt Busby, am the applicant / petitioner (circle one) and being presently incarcerated in T.D.C.S., declare under penalty of perjury that, according to my belief, the facts stated in the above application are true and correct.

Signed on 7 September, 2012.

Wyatt Busby
Signature of Applicant (Petitioner, circle one)

PETITIONER'S INFORMATION

Petitioner's printed name: _____

Address: _____

Telephone: _____

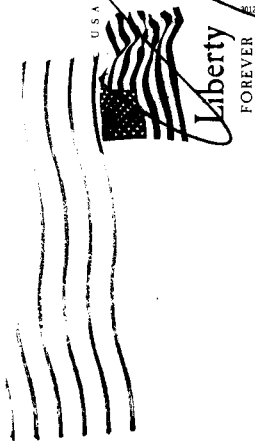
Fax: _____

Signed on September 10, 2012

Hyatt Bobel
Signature of Petitioner

W. Matt Busby, 1606893
2661, FM 2054, Cottfield Unit
Tennessee Colony, 75884

RECEIVED
CLERK OF COURT
DEC 03 2012
David J. Bradley, Clerk of Court



Justice
FOREVER

Clerk of the United State
District of Southern
P.O. Box 61010
Houston, Texas, 77208
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